



Legislative Department
Seattle City Council
Memorandum

Date: February 22, 2010

To: Councilmember Sally J. Clark, Chair
Councilmember Tim Burgess, Vice Chair
Councilmember Sally Bagshaw, Member
Committee on the Built Environment (COBE)

From: Rebecca Herzfeld and Michael Jenkins, Council Central Staff

Subject: February 24, 2010 COBE Meeting: Updates to Multifamily Zones

To begin the review of regulations for Lowrise multifamily zones, we are requesting direction from the Committee on five topics:

1. Definition of multifamily housing types
2. Combining current Lowrise Zones
3. Locational criteria
4. Parking requirements
5. Access to parking from alleys

1. Definition of multifamily housing types

At the last COBE meeting, the Committee gave direction to staff to work on an approach to the lowrise zone revisions that is based on regulating five specific housing types. The housing types are: cottage housing, rowhouses, townhouses, autocourt townhouses, and apartments.

Each housing type must be defined in the Land use Code before regulations can be applied to it. While “cottage housing” is already defined in the Code, the other types are not. To address this, we recommend that you make the following changes to the Code:

1. Add definitions for apartments and three types of townhouses, including rowhouses;
2. Make minor updates to the definition of cottage housing; and
3. Delete the definitions of “ground-related structure” and “ground-related dwelling unit”, because they would be replaced by the townhouse definitions.

The proposed changes to the definition chapter of the Land Use Code would read as follows, with new wording shown underlined and deleted text ~~crossed out~~ (we have added an illustration for each housing type, although it would not be included in the Code).

23.84A.006 “C”

"Cottage housing development" means a development consisting of at least four ~~(4)~~ cottages that are single-family dwelling units arranged on at least two ~~(2)~~ sides of a common open space with a maximum of ~~twelve~~ (12) cottages per development.



23.84A.032 “R.”

“Residential use” means any one or more of the following:

* * *

"Multifamily residential use" means that portion of a structure containing two or more dwelling units, excluding single family residences and accessory dwelling units. *(This definition is not proposed to be changed, but is included here for reference)*

* * *

“Apartment” means a multifamily residential use that is not a townhouse use.



* * *

"Townhouse" means a multifamily residential use consisting only of individual dwelling units that are attached along at least one common wall to at least one other dwelling unit. Each dwelling unit occupies space from the ground to the roof. No portion of a unit may occupy space above or below another unit, except that townhouse units may be constructed over a shared parking garage.



“Rowhouse” means a townhouse use in which the front of each unit faces the street, each unit provides access directly to the street, and there is no intervening principal structure between a unit and the street.



* * *

“Townhouse, Autocourt” means a townhouse use in which the units are clustered in separate structures, and a majority of the units have private garages located at ground level, accessed by an unenclosed driveway that separates the structures on the lot and creates a common paved autocourt.



23.84A.014 “G”

~~“Ground-related dwelling unit” means a dwelling unit with direct access to private ground-level usable open space. The open space may be located at the front, sides or rear of the structure, and not more than ten (10) feet above or below the unit. Access to the open space shall not go through or over common circulation areas, common or public open spaces, or the open space of another unit.~~

~~“Ground-related structure” means a structure containing only ground-related dwelling units.~~

Committee Direction on Housing Type Definitions:

2. Combining Lowrise Zones

The current Land Use Code has five different Lowrise (LR) zones – Lowrise Duplex Triplex (LDT), and Lowrise 1, 2, 3 and 4 (L1, L2, L3 and L4) zones. Each of these zones regulates uses and sets the development standards for permitted structures. LDT zones generally limit new multifamily development to townhouses, cottage housing, duplexes, and triplexes, while the other Lowrise zones allow these housing types plus apartments with four or more units. Depending on the zone, each permitted structure type has various development standards such as height, floor area ratio (FAR), lot coverage, and setbacks.

One of the ideas that Councilmembers raised last year during the review of the multifamily code was to reduce the number of Lowrise zones. Having five Lowrise zones with very similar characteristics makes the Land Use Code more complex and does not add much value. We recommend that the Council reduce the number of Lowrise zones from five to three, by combining the zones that are the most similar. The current L1 and L2 zones would become a single zone category, as would L3 and L4 zones. Table A on the following page summarizes the staff proposal.

Table A: Staff Proposal to Combine Current Lowrise Zones

Current Zone	Proposed Zone	Function of Proposed New Lowrise Zone	Housing Types
Lowrise Duplex Triplex (LDT)	Lowrise 1 (LR1) 318 acres; 8% of multifamily zoned area*	<ul style="list-style-type: none"> • Highly compatible with single family zone development • Most appropriate for areas adjacent to single family zones • Provides a transition from single family zones to areas with higher densities • Usually located outside of urban centers, urban villages, and station area overlay districts 	<ul style="list-style-type: none"> • Encourages cottage housing and rowhouses • Allows townhouses with strict limits • Encourages conversion of single family homes to duplexes & triplexes • Apartments limited to duplexes or triplexes
Lowrise 1 (L1)	Lowrise 2 (LR2) 1,631 acres	<ul style="list-style-type: none"> • Accommodates higher density than LR1, within the same height limit • Provides a transition between single family and LR1 zones, and zones of greater intensity • Most appropriate for areas in or adjacent to urban centers, villages, and station area overlay districts, and areas well served by transit 	<ul style="list-style-type: none"> • Encourages rowhouses and townhouses, with limits on autocourt townhouses • Apartments permitted, and encouraged at locations within urban centers, villages, and station area overlay districts
Lowrise 2 (L2)	40% of multifamily zoned area*		
Lowrise 3 (L3)	Lowrise 3 (LR3) 1,830 acres	<ul style="list-style-type: none"> • Highest density Lowrise zone • Allows greater height than LR1 and LR2 zones • Provides transition between residential and commercial zones • Most appropriate within urban centers, villages, and station area overlay districts, and areas well served by transit • Higher densities permitted within urban centers, villages, and station area overlay districts 	<ul style="list-style-type: none"> • Encourages apartment development • Allows rowhouses • Limits autocourt townhouses
Lowrise 4 (L4)	44% of multifamily zoned area*		

*Lowrise zones make up 92 percent of multifamily zoned land, with the remaining eight percent zoned Midrise and Highrise. Multifamily zoning makes up about ten percent of Seattle's total land area.

This recommendation raises the question of how combining the Lowrise zones would affect potential development capacity. The answer depends on what the Council decides the development standards should be in each new zone category. To get a better understanding of what might happen, we have worked with the Department of Planning and Development (DPD) to estimate potential capacity. This is not an exact science. The estimates are based on a model that assumes the type of housing that will be built (e.g. townhouses versus apartments), unit size, and which sites will be redeveloped based on current land use. For example, a site with a single family home in a multifamily zone is more likely to be redeveloped than a site with an eight unit apartment building.

As shown on Table B, in 1989, when the current Lowrise zones were adopted, their estimated capacity was approximately 34,100 units in 3,779 acres. However, because the zones were more restrictive in practice than expected, the estimated capacity based on observed development is 26,800 units, about 21% less. The proposed Lowrise zoning recommended by the DPD last year would have resulted in an estimated capacity of 30,000 units, still about 11% less capacity than what was expected 20 years ago.

Table B: Estimated Citywide Development Capacity of Lowrise Zones

	1989 estimated capacity of current zones	2009 estimated capacity of current zones	2009 estimated capacity under DPD proposal	2009 estimated capacity with zones combined under the assumptions listed below
Total number of units	34,100	26,800	30,400	43,700
Change in number of units from 1989 baseline estimate	No change	(7,300)	(3,700)	9,600
Percentage of 1989 baseline estimate	100%	21% less	11% less	28% more

If the Council approves combining the Lowrise zones, we estimate that development capacity would increase by about 28% when compared to the 1989 baseline. This estimate is based on the following assumptions, which the Council will address in upcoming discussions about the regulations for Lowrise zones:

- There would be minimal change to expected density in the current LDT zone;
- Current L1 zones would generally reach L2 zone densities;
- Current L3 and L4 zones in urban villages, centers, and station areas would reach L4 densities;
- Outside of urban villages, centers, and station areas, current L3 and L4 zones would reach L3 densities;
- Townhouses would continue to have a density limit, while apartments would be controlled by height and FAR regulations.
- A greater percentage of apartment projects would be expected, especially in L2, L3 and L4 zones within the villages, centers, and station areas locations.

The estimated increase of 9,600 units, or 28%, over the 1989 baseline would result primarily from two factors. The first is that we have assumed that when the L1 and L2 zones are combined, the overall density would be similar to the current L2 zone, rather than dropping to the lower density L1 level. The second is that the proposed development standards would “level the playing field” between apartment and townhouse development, so that more apartment buildings would be built in multifamily zones.

If the Lowrise zones are combined as proposed, it is possible to regain the expected capacity lost in when the City amended the Lowrise zones in 1989, and to provide more room for growth. Whether

this occurs would be determined by the Council, based on the policy direction you wish to take, informed by the environmental review of the Council's draft proposal. As you give direction to staff on the regulations that should apply in Lowrise multifamily zones, we will continue to evaluate the effect of the proposed standards on development capacity. Depending on this analysis, we will recommend changes to the regulations intended to keep the estimated density within the range desired by the Council. For example, factors such as location outside of an urban village or on a steep slope could be used to determine limits on the development potential of a site.

The main change to the Multifamily Chapter of the Land Use Code to carry out combining the Lowrise zones reads as follows, with new wording shown underlined and deleted text ~~crossed-out~~. In addition, we would need to search for and correct all cross references to the former zone names, and update the zone names on the Official Land Use Map. The locational criteria that are used to evaluate where each zone should be located would also have to be amended, as outlined in Section 3 of this memo.

23.45.502 Scope of provisions

This Chapter 23.45 describes the authorized uses and development standards for the following zones:

~~Lowrise Duplex/Triplex (LDT); Lowrise 1 (LR1);~~

~~Lowrise 1 (L1);~~

Lowrise 2 (LR2);

Lowrise 3 (LR3);

~~Lowrise 4 (L4)~~

Midrise (MR) (references to Midrise zones include the Midrise/85 (MR/85) zone unless otherwise noted); and

Highrise (HR).

Committee Direction on Combining LR zone designations:

3. Locational Criteria for Combined LR zone designations:

The Land Use Code establishes locational criteria for each zone that guide where that zone should be mapped, and that are used to evaluate rezone requests. If COBE approves the concept of combining Lowrise zones, the current criteria would need to be amended to reflect this change. We recommend that the criteria also be amended to help strengthen the relationship between multifamily zones and the City's growth management strategy by referring explicitly to urban villages, urban centers, and station area overlay districts.

When current multifamily zoning was adopted in 1982, the new zones replaced zones first adopted in 1957. Criteria were developed to identify when a new zone designation was appropriate for a particular parcel of land. Generally, these criteria were written to recognize the existing character of an area, and to explain the mapping decisions made in 1982. For example, the criteria led to the conclusion that an area characterized by highrise development should be designated as Highrise.

Over the years, many rezones involving multifamily zones have occurred throughout the city. In some cases, this was done to accommodate new housing opportunities, especially for areas within urban centers and villages. Some rezones were proposed as part of a neighborhood planning process. However, the existing rezone criteria emphasize allowing rezoning only when the existing scale and character of the area already reflects the development that would be permitted under the new zoning designation. This diminishes the value of planning and rezoning as tools for shaping the future development of an area in ways that might further City and community goals.

In proposing revised criteria, we are not suggesting any changes that would make it easier to convert single family zoned land to a multifamily designation. In Section 23.34.013, the Code clearly states that if an area zoned single family meets the criteria for single-family designation, it may not be rezoned to multifamily except as otherwise provided in Section 23.34.010.B. Subsection 23.34.010.B only allows changes from single family zones for land within an urban village when an adopted neighborhood plan provides the direction to do so.

The proposed locational criteria for lowrise zones are outlined in Attachment 1 to this memo.

Committee Direction on LR zone locational criteria:

4. Parking Requirements

On February 3, COBE members directed staff to investigate whether the parking requirements for housing in lowrise zones in urban villages should be eliminated. Last year, the Council removed the parking requirement in urban centers and Station Area Overlay Districts, and reduced the general parking requirement for multifamily development to one space per dwelling unit.

It is not likely that eliminating the parking requirement for housing in urban villages would result in structures that do not provide any parking. Developers would still respond to market demand and the requirements for construction loans. However, it would provide developers with the flexibility to decide on parking demand for their particular project, based on housing type, location, and expected market for the units. Over the long term, this would likely lead to less lot area devoted to pavement and the potential for housing units that are more affordable.

We are now working with staff from DPD and the Seattle Department of Transportation (SDOT) to analyze this issue. SDOT staff will provide data on transit service levels in urban villages, parking demand studies, and car ownership data from a recent Puget Sound Regional Council survey. This information will help inform the discussion. We are also looking at the possibility of eliminating the parking requirement for housing in *commercial* zones within urban villages. Such commercial zones are likely to have as good or better transit service than multifamily zones in the same village. We are also considering options that base reductions in parking requirements on conditions likely to influence vehicle ownership and parking demand.

We expect to bring a recommendation on the parking requirement in urban villages to the COBE meeting on March 10, 2010.

5. Alley access to Parking

You have also directed staff to analyze different requirements for access to parking in Lowrise zones. The following recommendation addresses when alley access to parking is permitted.

Section 23.45.018 of the Land Use Code currently regulates access to parking in Lowrise zones, based on the following goals:

- A. Minimize conflicts between cars and pedestrians on the sidewalk;
- B. Avoid traffic hazards;
- C. Preserve on-street parking spaces; and
- D. Protect lower density residential zones from the impacts of higher intensity development.

While all of these goals are laudable, for the past 25 years the regulations have emphasized Goal D (protecting lower density residential zones) at the expense of minimizing conflicts between cars and pedestrians and preserving on-street parking (Goals A and C). In addition, the goal of improving the streetscape and the design of buildings by accessing parking from the alley was not considered.

Under current regulations, an alley must be used for access to parking if it meets minimum width requirements, is improved, and would not result in a safety hazard. This is because using the alley eliminates the need for curb cuts that take away on-street parking. In addition, requiring garage openings and driveways along the street may detract from the character of the streetscape and can increase conflicts between cars and pedestrians.

However, when an apartment in a L3 or L4 zone is proposed across an alley from a single-family, LDT, or L1 zone, and when any development in an LDT zone is proposed across an alley from a single-family zone, alley access is currently prohibited. The intent of this was to “protect” these lower density areas from increased traffic on the alley. Because alleys are often the dividing line between zones, this regulation has eliminated alley access in many cases. We recommend that the prohibition against using the alley for access depending on the zone designation across the alley be deleted from the Code. Single-family and Lowrise zones have requirements for rear yards and setbacks that provide a buffer from the alley traffic and mitigate the impacts of accessing parking from the alley. The Council removed a similar provision from the Midrise and Highrise multifamily zone regulations last year.

The proposed revision to the current regulations is shown below. Note that we may be proposing further amendments to the access requirements as work on updating the Lowrise zones continues.

23.45.018 Parking and Access—Lowrise Zones

* * *

B. Access to Parking.

1. Alley Access Required. Access to parking shall be from the alley when the site abuts a platted alley improved to the standards of subsection C of Section 23.53.030 or when the Director, as a Type I decision, determines that alley access is feasible and desirable to mitigate parking access impacts. Except as provided in subsections B.2 or B.3 of this ~~section~~ Section 23.45.018, street access shall not be permitted.

2. Street Access Required. Access to parking shall be from the street when:

a. Due to the relationship of the alley to the street system, use of the alley for parking access would create a significant safety hazard; or

b. Topographic conditions make alley access infeasible; or

c. The lot does not abut a platted alley; or

~~e. In Lowrise 3 zones, apartments are proposed across an alley from a Single-family or Lowrise Duplex/Triplex zone; or~~

~~d. In Lowrise 4 zones apartments are proposed across an alley from a Single-family, Lowrise Duplex/Triplex or Lowrise 1 zone.~~

3. Street or Alley Access Permitted. ~~Access to parking may be from either the alley or the street, but not both, when the conditions listed in subsection B2 do not apply, and one (1) or more of the following conditions are met:~~

~~a. Topography makes alley access infeasible;~~

~~b. In all zones except Lowrise Duplex/Triplex, ground related housing is proposed across an alley from a Single-family zone;~~

e. Access to required barrier-free parking spaces ~~which~~ that meet the Washington State Building Code, Chapter 11, may be from either the street or alley, or both.

* * *

Committee Direction on alley access to parking:

Next Steps

At the COBE meeting on March 10, we intend to bring you recommendations on parking requirements, the method for measuring building height, height limits for Lowrise zones, and regulations for storage areas for garbage, recycling, and clean green containers.

Attachment 1: Comparison of Proposed Locational Criteria for Combined Lowrise Multifamily Zones